

**UNITED STATES BANKRUPTCY COURT**  
**for the**  
**DISTRICT OF NEW HAMPSHIRE**

**FILED**  
**MAR 17 1999**  
U.S. BANKRUPTCY COURT

In re:

Bk. No. 99-10389-MWV  
Chapter 13

Paul E. Kelly and  
Lorie A. Kelly,  
Debtor

**ORDER**

The Court has before it an order to show cause in the matter of Paul E. Kelly and Lorie A. Kelly as to why this case should not be dismissed for failure to file bankruptcy schedules, statement of affairs and Chapter 13 plan. The instant case was filed on February 11, 1999, and an order to show cause was issued by this Court on February 16, 1999. On March 9, 1999, the Chapter 13 trustee filed a motion to dismiss and to proscribe further filings, which was also set to be heard at the same time as the order to show cause. The debtors in the instant case filed a skeleton petition indicating one bankruptcy previously filed with a case number of 92-11794, but they did not indicate the jurisdiction in which it was filed. The Debtors also requested that they be allowed to pay the filing fee in installments, and they have paid only \$50 of the filing fee. The Debtors did not appear at the hearing set for March 16, 1999, and their case is dismissed.

A review of the records of the bankruptcy courts for the district of Massachusetts and the district of New Hampshire indicates that since February 8, 1993, the Debtors have filed eight petitions, seven of which have been dismissed for failure to file either a Chapter 13 plan or schedules and plan. Since April 28, 1998, these Debtors have filed four petitions under Chapter 13 in this Court, all of which have been dismissed for failure to file schedules and a plan. In each case, the Debtors have requested payments of installment payments and have not paid any installments other than the original payment in each case. Previous filings are as follows:

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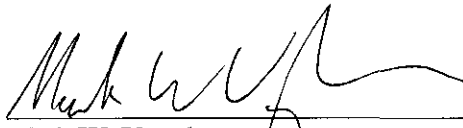
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| 2/8/93   | 93-11167-JNF<br>Filed in the District of Massachusetts, Eastern Division<br>Chapter 7, No Asset Report filed, Debtors discharged   |
| 5/10/96  | 96-42532-HJB<br>Filed in the District of Massachusetts, Western Division<br>Chapter 13, Dismissed 6/11/96 for failure to file a Chapter 13 plan  |
| 12/17/96 | 96-47100-HJB<br>Filed in the District of Massachusetts, Western Division<br>Chapter 13, Dismissed 2/5/97 for failure to file schedules, plan and filing fee  |
| 10/6/97  | 97-46984-JFQ<br>Filed in the District of Massachusetts, Western Division<br>Chapter 13, Dismissed 11/5/97 for failure to file schedules and plan   |
| 4/28/98  | 98-11659-MWV<br>Filed in the District of New Hampshire<br>Chapter 13, Dismissed 6/9/98 for failure to file schedules and plan<br>The only previous filing listed on the petition is 93-11167-JNF   |
| 7/20/98  | 98-12827-MWV<br><i>Filed in the District of New Hampshire</i><br>Chapter 13, Dismissed 8/18/98 for failure to file schedules and plan<br>Previous filing listed 98-11659, but indicated the case was filed in Boston   |
| 9/28/98  | 98-13690-MWV<br>Filed in the District of New Hampshire<br>Chapter 13, Dismissed 10/28/98 for failure to file schedules and plan<br>No previous filings listed on the petition  |
| 2/11/99  | 99-10389-MWV<br>Filed in the District of New Hampshire<br>Chapter 13, Dismissed 3/16/99 for failure to file schedules and plan<br>Previous filing listed on the petition 92-11794 is not their case in either New Hampshire or Massachusetts<br>No other previous filings listed |

The record of these filings indicates a clear abuse of the bankruptcy process requiring this Court to take the unusual remedy of barring future filings.

IT IS THEREFORE ORDERED that this Chapter 13 case is dismissed with prejudice, and the Debtors are prohibited, either jointly or individually, from filing any case for the next twenty-four months in the district of New Hampshire. A true copy of this Order shall be served upon the clerks of the

bankruptcy courts of every district in the United States and the offices of United States Trustees for each region in the United States for informational purposes only, in case the Debtors herein file a petition in their respective jurisdictions.

DONE and ORDERED this 17<sup>th</sup> day of March, 1999, at Manchester, New Hampshire.



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Mark W. Vaughn  
Bankruptcy Judge